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DEPARTMENT OF COMMERCE

International Trade Administration (A-475-818)

Certain Pasta from Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: (Insert date of publication in the Federal Register).

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SUPPLEMENTARY INFORMATION

Background

On July 1, 2011, the Department of Commerce ("the Department") published a notice of opportunity to request an administrative review of the antidumping duty order on certain pasta from Italy.^{1/} Pursuant to requests from interested parties, the Department published in the Federal Register the notice of initiation of this antidumping duty administrative review with respect to the following companies for the period July 1, 2010, through June 30, 2011:

Botticelli Mediterraneo S.a.r.l.² ("Botticelli"), Fiamma Vesuviana S.r.L. ("Fiamma"), Industria Alimentare Filiberto Bianconi 1947 S.p.A. ("Filiberto"), Labor S.r.L. ("Labor"), PAM. S.p.A. and its affiliate, Liguori Pastificio dal 1820 SpA ("PAM"), P.A.P. SNC Di Paziienza G.B. & C. ("P.A.P."), Premiato Pastificio Afeltra S.r.L. ("Afeltra"), Pasta Lensi S.r.l. ("Lensi"), Pastificio Zaffiri ("Zaffiri"), Pastificio Attilio Mastromauro-Pasta Granoro S.R.L. ("Granoro"),^{2/} Pastificio Di Martino Gaetano & F.lli SpA ("Di Martino"), Pastificio Fratelli Cellino, S.r.l. ("Fratelli"), Pastificio Lucio Garofalo S.p.A. ("Garofalo"), Pastificio Riscossa F.lli Mastromauro S.p.A. ("Riscossa"), Rummo S.p.A. Molino e Pastificio ("Rummo"), Rustichella d'Abruzzo S.p.A. ("Rustichella") and Industria Alimentare Colavita, S.p.A. ("Indalco").^{3/}

^{1/} See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review, 76 FR 38609 (July 1, 2011).

/2/ The Department notes that, "{o}n August 31, 2010, the Department deferred the 7/1/2009 - 6/30/2010 administrative review for Pastificio Attilio Mastromauro-Pasta Granoro S.R.L. for one year (75 FR 53274). We are now initiating this review one year later along with the 7/1/2010 - 6/30/2011 administrative review." See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 76 FR 53404, 53408 (August 26, 2011) (First Initiation Notice).

/3/ See First Initiation Notice and Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 76 FR 61076 (October 3, 2011) (collectively, "Initiation Notices").

On September 13, 2011, the Department announced its intention to select mandatory respondents based on U.S. Customs and Border Protection ("CBP") data./4/ On October 3, 2011, the Department selected Garofalo and Rummo as mandatory respondents./5/ On October 11, 2011, Garofalo withdrew its request for a review. On November 7, 2011, Granoro withdrew its request for a deferred review of certain pasta from Italy for the POR of June 1, 2009 to June 30, 2010. On October 19, 2011, and November 17, 2011, respectively, the Department published in the Federal Register notices of partial rescission of the administrative reviews with respect to Garofalo and Granoro./6/ On November 18, 2011, Lensi withdrew its request for a review. On November 21, 2011, Indalco and Labor withdrew their requests for a review. On November 22, 2011, PAM, P.A.P., Riscossa, and Rustichella withdrew their requests for a review. On November 23, 2011, Afeltra and Di Martino withdrew their requests for a review.

/4/ See Memorandum from Christopher Hargett to Melissa Skinner titled "Customs and Border Protection Data for Selection of Respondents for Individual Review," dated September 13, 2011.

/5/ See Memorandum from Christopher Hargett to Melissa Skinner titled "Selection of Respondents for Individual Review," dated October 3, 2011.

/6/ See Certain Pasta from Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review, 76 FR 64897 (October 19, 2011); see also Certain Pasta from Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review, 76 FR 71311 (November 17, 2011) ("Granoro: Partial Rescission of Deferred Review").

Partial Rescission of the 2010-2011 Administrative Review

Pursuant to 19 CFR § 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The instant review was initiated on August 26, 2011. See Initiation Notices. Lensi withdrew its request for a review on November 18, 2011, Indalco and Labor withdrew their requests for a review on November 21, 2011, PAM, P.A.P., Riscossa, and Rustichella withdrew their requests for a review on November 22, 2011, and Afeltra and Di Martino withdrew their requests for a review on November 23, 2011, which are within the 90-day deadline. No other party requested an administrative review of these particular companies. Therefore, in accordance with 19 CFR § 351.213(d)(1), and consistent with our practice, we are rescinding this review of the antidumping duty order on certain pasta from Italy, in part, with respect to Afeltra, Di

Martino, Labor, Lensi, Indalco, PAM, P.A.P., Riscossa, and Rustichella./7/ The instant review will continue with respect to Botticelli, Fiamma, Filiberto, Fratelli, Granoro,/8/ Rummo, and Zaffiri.

/7/ See, e.g., Certain Lined Paper Products From India: Notice of Partial Rescission of Antidumping Duty Administrative Review and Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review, 74 FR 21781 (May 11, 2009); see also Carbon Steel Butt-Weld Pipe Fittings from Thailand: Rescission of Antidumping Duty Administrative Review, 74 FR 7218 (February 13, 2009).

/8/ The instant review of Granoro continues only for the period of review, July 1, 2010, through June 30, 2011. See Granoro: Partial Rescission of Deferred Review.

Assessment

The Department will instruct CBP to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, Afeltra, Di Martino, Indalco, Labor, Lensi, PAM, P.A.P., Riscossa, and Rustichella, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period July 1, 2010, through June 30, 2011, in accordance with 19 CFR § 351.212(c)(1)(i).

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR § 351.402(0)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in the amount of antidumping and/or countervailing duties reimbursed.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR § 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR § 351.213(d)(4).

Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

11-28-11
Date

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